

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

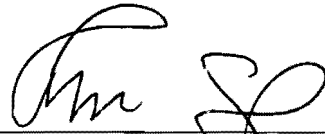
James Bowers, #279049,)	
)	
Petitioner,)	C.A. No. 0:14-358-RMG
)	
vs.)	S.C. App. Case No. 2015-1946
)	
Warden Joseph McFadden,)	
)	
Respondent.)	CERTIFICATION ORDER
)	SUPPLEMENTATION OF RECORD
)	

This matter comes before the Court on Petitioner’s motion to include additional material in the record provided to the South Carolina Supreme Court to address proposed certified questions presented the South Carolina Supreme Court by order of this Court dated September 11, 2015. (Dkt. No. 68). Petitioner seeks to have added to the record the indictment referenced in the South Carolina Supreme Court’s decision in *State v. Lindsey*, 583 S.E.2d 740 (S.C. 2003), which this Court made reference to in its Certification Order. (Dkt. No. 64 at 4-5). Respondent has consented to Petitioner’s motion. (Dkt. No. 68).

South Carolina Appellate Court Rule 244(b) provides that if a party in a matter certified to the South Carolina Supreme Court “believes that additional materials from the record before the certifying court are necessary,” the party may move before the certifying court “to determine if the additional materials will be submitted.” The additional material requested, the indictment of the defendant in *State v. Lindsey*, is explicitly addressed by the South Carolina Supreme Court in its decision. The availability of the *Lindsey* indictment for review by the Supreme Court and for comparison to the indictment in this matter may be helpful to the South Carolina Supreme

Court in addressing the certified questions. Therefore, the Court finds the *Lindsey* indictment is appropriate to include in the record and grants the unopposed motion to supplement the record to include the document, which is referenced as Exhibit E.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. M. Gergel', written over a horizontal line.

Richard Mark Gergel
United States District Judge

October 7, 2015
Charleston, South Carolina